

AMENDED IN SENATE AUGUST 16, 2012
AMENDED IN SENATE AUGUST 7, 2012
AMENDED IN SENATE MAY 23, 2012
AMENDED IN ASSEMBLY JANUARY 23, 2012
AMENDED IN ASSEMBLY JANUARY 9, 2012
AMENDED IN ASSEMBLY JANUARY 4, 2012
AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 317

Introduced by Assembly Member Charles Calderon

February 9, 2011

An act to amend Section 798.74.5 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 317, as amended, Charles Calderon. Mobilehomes.

Existing law, the Mobilehome Residency Law, governs tenancies in mobilehome parks, and imposes various duties on the owners of mobilehome parks and the agents and representatives authorized to act on behalf of the owners. Existing law exempts a rental agreement from any local ordinance, rule, regulation, or initiative that establishes a maximum amount that a landlord may charge a tenant for rent if a mobilehome space within a mobilehome park is not the principal residence, as defined, of the mobilehome owner. Existing law requires the management of a mobilehome park to give a prospective homeowner

a document containing specified information within 2 business days of receiving a request from the prospective homeowner for an application for residency in the mobilehome park if the management has been advised that the mobilehome occupying the requested space is for sale. Under existing law, the management must also provide a copy of the rules and regulations of the park at the prospective homeowner's request.

The bill would revise the above-described document to include language advising prospective homeowners that if they do not occupy the mobilehome as their principal residence, those homeowners may be no longer subject to any local ordinances, rules, regulations, or initiative measures limiting or restricting rent in mobilehome parks.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.74.5 of the Civil Code is amended
2 to read:
3 798.74.5. (a) Within two business days of receiving a request
4 from a prospective homeowner for an application for residency
5 for a specific space within a mobilehome park, if the management
6 has been advised that the mobilehome occupying that space is for
7 sale, the management shall give the prospective homeowner a
8 separate document in at least 12-point type entitled
9 “INFORMATION FOR PROSPECTIVE HOMEOWNERS,”
10 which includes the following statements:
11
12 “As a prospective homeowner you are being provided with certain
13 information you should know prior to applying for tenancy in a
14 mobilehome park. This is not meant to be a complete list of
15 information.
16
17 Owning a home in a mobilehome park incorporates the dual role
18 of “homeowner” (the owner of the home) and park resident or
19 tenant (also called a “homeowner” in the Mobilehome Residency
20 Law). As a homeowner under the Mobilehome Residency Law,
21 you will be responsible for paying the amount necessary to rent
22 the space for your home, in addition to other fees and charges
23 described below. You must also follow certain rules and regulations
24 to reside in the park.

1
2 If you are approved for tenancy, and your tenancy commences
3 within the next 30 days, your beginning monthly rent will be \$____
4 (must be completed by the management) for space number ____
5 (must be completed by the management). Additional information
6 regarding future rent or fee increases may also be provided.
7

8 In addition to the monthly rent, you will be obligated to pay to the
9 park the following additional fees and charges listed below. Other
10 fees or charges may apply depending upon your specific requests.
11 Metered utility charges are based on use.
12

13 _____
14 _____
15 (Management shall describe the fee or charge and a good faith
16 estimate of each fee or charge.)
17

18 Some spaces are governed by an ordinance, rule, regulation, or
19 initiative measure that limits or restricts rents in mobilehome parks.
20 These laws are commonly known as “rent control.” Prospective
21 purchasers who do not occupy the mobilehome as their principal
22 residence may be subject to rent levels which are not governed by
23 these laws. (*Civil Code Section 798.21*) Long-term leases specify
24 rent increases during the term of the lease. By signing a rental
25 agreement or lease for a term of more than one year, you may be
26 removing your rental space from a local rent control ordinance
27 during the term, or any extension, of the lease if a local rent control
28 ordinance is in effect for the area in which the space is located.
29

30 A fully executed lease or rental agreement, or a statement signed
31 by the park’s management and by you stating that you and the
32 management have agreed to the terms and conditions of a rental
33 agreement, is required to complete the sale or escrow process of
34 the home. You have no rights to tenancy without a properly
35 executed lease or agreement or that statement. (*Civil Code Section*
36 *798.75*)
37

38 If the management collects a fee or charge from you in order to
39 obtain a financial report or credit rating, the full amount of the fee
40 or charge will be either credited toward your first month’s rent or,

1 if you are rejected for any reason, refunded to you. However, if
2 you are approved by management, but, for whatever reason, you
3 elect not to purchase the mobilehome, the management may retain
4 the fee to defray its administrative costs. (Civil Code Section
5 798.74)

6
7 We encourage you to request from management a copy of the lease
8 or rental agreement, the park's rules and regulations, and a copy
9 of the Mobilehome Residency Law. Upon request, park
10 management will provide you a copy of each document. We urge
11 you to read these documents before making the decision that you
12 want to become a mobilehome park resident.

13
14 Dated: _____

15 Signature of Park Manager: _____

16 Acknowledge Receipt by Prospective Homeowner: _____”

17
18 (b) Management shall provide a prospective homeowner, upon
19 his or her request, with a copy of the rules and regulations of the
20 park and with a copy of this chapter.